

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:20-CV-00620-RJC-DSC**

KEVIN FONSECA,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
AMERICAN RED CROSS,)	
)	
Defendant.)	

THIS MATTER is before the Court on “Defendant’s Motion to Compel Plaintiff’s Discovery Responses” (document # 44) as well as the parties’ briefs and exhibits.

Defendant seeks to compel pro se Plaintiff to provide complete supplemental responses to its First Set of Interrogatories and Request for Production of Documents. Defendant contends that Plaintiff’s initial responses, which were untimely, are incomplete and contain boilerplate objections. The Court has carefully reviewed the record, particularly Plaintiff’s objections. For the reasons set forth in Defendant’s briefs, the Motion will be granted. Plaintiff’s objections are **OVERRULED**. Plaintiff shall serve complete supplemental responses as **ORDERED** below.

Dismissal and the imposition of monetary sanctions are remedies available under Rule 37 for a party’s failure to obey rules governing discovery and orders of the District Court. See Fed. R. Civ. P. 37(b)(2)(C); National Hockey League v. Metro. Hockey Club, 427 U.S. 639, 643 (1976); Mutual Fed. Sav. & Loan v. Richards & Assocs., 872 F.2d 88, 92 (4th Cir. 1989); Wilson v. Volkswagen of America, Inc., 561 F.2d 494, 504-04 (4th Cir. 1977).

Accordingly, the Court warns Plaintiff that failure to provide full and complete responses to these discovery requests, to respond to any other of Defendant's reasonable discovery requests, or to otherwise comply fully with any of the Court's orders, the Local Rules, or the Rules of Civil Procedure may result in the imposition of sanctions. **Sanctions may include Plaintiff being ordered to pay Defendant's costs including reasonable attorney's fees in their entirety and may also include dismissal of the Complaint with prejudice.**

NOW THEREFORE IT IS ORDERED:

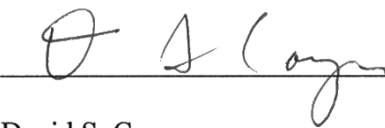
1. "Defendant's Motion to Compel Plaintiff's Discovery Responses" (document # 44) is **GRANTED**. Within fourteen days of the date of this Order, Plaintiff shall serve complete supplemental responses without objection to Defendant's First Set of Interrogatories and serve all documents responsive to Defendant's Requests for Production of Documents.

2. The parties shall bear their own costs at this time.

3. The Clerk is directed to send copies of this Order to pro se Plaintiff, to defense counsel, and to the Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: April 11, 2022



David S. Cayer
United States Magistrate Judge

